

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSEPH W. FOLEY,

Plaintiff,

- against -

CAPITAL ONE, N.A.,

Defendant.
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25-CV-1526 (VSB) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

As discussed at the initial pretrial conference held via Microsoft Teams on April 15, 2025, supplemented herein, and for the reasons stated on the record:

1. Plaintiff shall file his Amended Complaint by **April 22, 2025**.
2. A schedule for a motion to dismiss will be set if and when Capital One files such motion.
3. Plaintiff may file a supplemental affidavit of service.
4. The Court explained that moving for summary judgment at this juncture is premature; that injunctive relief would not be warranted prior to judgment without, inter alia, imminent irreparable harm; and that either form of relief ultimately is for the District Judge to determine.
5. By **April 29, 2025**, Capital One shall produce to Plaintiff all agreements and other documentation (including electronic data) concerning the account at issue. By **April 29, 2025**, Plaintiff will produce to Capital One documents concerning damages.
6. The deadline for amending pleadings and adding parties is **May 22, 2025**, or 30 days after Defendant files motion to dismiss, whichever is later.
7. The discovery schedule is as follows:

Event	Date
Serve initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1)	April 29, 2025
Serve Initial requests for documents, and initial interrogatories	May 6, 2025
Deadline to amend pleadings and add parties	May 22, 2025 , or 30 days after Defendant files motion to dismiss, whichever is later
Deadline for serving requests to admit	June 20, 2025
Depositions completed	July 15, 2025
Fact discovery completed	July 29, 2025
Opening expert disclosures (if applicable)	August 13, 2025
Responding expert disclosures (if applicable)	August 27, 2025
Expert depositions and discovery completed (if applicable)	September 17, 2025

8. The deadline for filing summary judgment motions, or the pretrial order (in the absence of summary judgment motions) is **30 days** after completion of all discovery.

9. The parties shall file a joint status report every **60 days**.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: April 15, 2025
New York, New York

Copies transmitted this date to all counsel of record. The Court respectfully requests the Clerk of Court to mail a copy of this Order to the pro se Plaintiff:

Joseph W. Foley
70 Irving Place
New York, NY 10003